

Message Text

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ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 CAB-05 CIAE-00 COME-00 DODE-00

 DOTE-00 INR-07 NSAE-00 CIEP-02 FAA-00 L-03 /037 W

----- 041190

R 081127Z DEC 76

FM AMEMBASSY PARIS

TO SECSTATE WASHDC 7740

INFO AMEMBASSY BONN

AMEMBASSY BRUSSELS

AMEMBASSY LONDON

AMEMBASSY THE HAGUE

AMEMBASSY MADRID

AMEMBASSY LISBON

AMEMBASSY ROME

AMEMBASSY OSLO

AMEMBASSY STOCKHOLM

AMEMBASSY BERN

AMEMBASSY DUBLIN

AMEMBASSY ATHENS

AMEMBASSY ANKARA

UNCLAS SECTION 01 OF 03 PARIS 36242

LONDON ALSO FOR STYLES

E.O. 11652 N/A

TAGS: EAIR, ECAC, XT, US

SUBJECT: CIVAIR: ECAC POSITION ON CHARTERS

REF: PARIS 35689

1. COPY OF RABEN LETTER TO STYLES DATED DEC. 1
ON NORTH ATLANTIC CHARTERS RECEIVED BY EMBASSY ON
DEC. 7. SINCE ORIGINAL WHICH ECAC MAILED TO
WASHINGTON DEC. 3 MAY NOT YET HAVE BEEN RECEIVED,
FULL TEXT OF LETTER FOLLOWS: QUOTE:

DEAR MR. STYLES, I HAVE PLEASURE IN SENDING YOU
THE ENCLOSED COPY OF THE GUIDELINES WHICH HAVE
TODAY BEEN ADOPTED UNANIMOUSLY BY THE CONFERENCE
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FOLLOWING CONSIDERATION BY THE 32ND MEETING OF

DIRECTORS GENERAL OF CIVIL AVIATION OF THE
RESULTS OF OUR TALKS IN WASHINGTON ON 9 AND
10 NOVEMBER LAST.

YOU WILL NOTE THAT, IN THE INTEREST OF THE
HARMONIZATION OF CHARTER RULES ACROSS THE NORTH
ATLANTIC ECAC HAS DECIDED TO APPLY A PRELISTING
PERIOD OF 45 DAYS INSTEAD OF 60 DAYS TO UNITED
STATES ORIGINATING ABCS. AS THIS REDUCTION OF
THE PRELISTING PERIOD WAS ACCEPTED WITH THE GREATEST
DIFFICULTY BY ECAC, I AM INSTRUCTED TO INFORM YOU
THAT THE 45-DAY LIMIT WILL BE THE LOWEST ONE
ACCEPTABLE TO THE CONFERENCE. STEPS WILL BE TAKEN
IN THE NEAR FUTURE TO AMEND THE ANNEX TO THE ECAC
MEMORANDUM OF UNDERSTANDING OF 5 JUNE 1975 ACCORD-
INGLY. IT IS TO BE EXPECTED THAT ALL ECAC MEMBER
STATES WILL APPLY THE 45-DAY PRELISTING PERIOD AND
NOT THE 30-DAY ONE SET FORTH IN THE US RULE FOR
THE SO-CALLED "NON-EUROPEAN ABCS".

APART FROM THIS CHANGE AND CERTAIN OTHER ADJUSTMENTS,
ECAC WILL, AS INDICATED IN OUR WASHINGTON TALKS,
CONTINUE TO APPLY THE TERMS OF THE ECAC MEMORANDUM
OF UNDERSTANDING AS IT STANDS.

I HOPE THAT YOU WILL SEE THESE AMENDMENTS AS A
STEP FORWARD IN THE SEARCH FOR COMMONALITY OF
CHARTER RULES AND LOOK FORWARD TO HEARING FROM YOU
SOON ON THE MOST PRACTICAL WAY TO PROCEED WITH THE
TRIPARTITE PROCESS. YOURS SINCERELY,

HANS RABEN
PRESIDENT OF ECAC. END QUOTE.

2. FOLLOWING IS TEXT OF CHARTER GUIDELINES APPENDED
TO ABOVE LETTER: QUOTE:

GUIDELINES FOR DEALING WITH NORTH ATLANTIC CHARTER
OPERATIONS UP TO 31 MARCH 1978.

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THESE GUIDELINES, WHICH SUPERCEDE THOSE ENCLOSED
WITH LETTER EC 9/8.4/4.4, EC 9/8.1/32-299 OF
OCT. 1, 1976, SHOULD APPLY TO THE HANDLING OF
ALL AD HOC APPLICATIONS FOR NORTH ATLANTIC CHARTERS,
TO ANY BILATERAL TALKS BETWEEN THE UNITED STATES
AND ANY ECAC MEMBER STATE, AND TO ANY BILATERAL
CHARTER ARRANGEMENT RENEWED OR CONCLUDED DURING
THE PERIOD UP TO 31 MARCH 1978.

MEMBER STATES ARE URGED TO KEEP OTHER ECAC STATES
AND THE SECRETARIAT INFORMED WITHOUT DELAY OF ANY

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ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 CAB-05 CIAE-00 COME-00 DODE-00

 DOTE-00 INR-07 NSAE-00 CIEP-02 FAA-00 L-03 /037 W

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R 081127Z DEC 76

FM AMEMBASSY PARIS

TO SECSTATE WASHDC 7741

INFO AMEMBASSY BONN

AMEMBASSY BRUSSELS

AMEMBASSY LONDON

AMEMBASSY THE HAGUE

AMEMBASSY MADRID

AMEMBASSY LISBON

AMEMBASSY ROME

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REQUEST BY THE UNITED STATES AUTHORITIES FOR
BILATERAL TALKS AND ON THE PROGRESS OF SUCH TALKS.
IF ANY ECAC STATE INVOLVED IN SUCH BILATERAL TALKS
IS UNABLE TO REACH AGREEMENT WITH THE UNITED STATES
ON THE BASIS OF THESE GUIDELINES, IT SHOULD REFRAIN
FROM CONCLUDING ANY BILATERAL CHARTER ARRANGEMENT WITH
THE UNITED STATES UNTIL THE MATTER HAS BEEN DISCUSSED
AGAIN BY THE DIRECTORS GENERAL OF CIVIL AVIATION OF
ECAC MEMBER STATES.

IT SHOULD BE POINTED OUT THAT THE APPLICATION OF SOME OF THE FOLLOWING GUIDELINES WILL REQUIRE AMENDMENT OF CERTAIN PROVISIONS IN THE ANNEX TO THE ECAC MEMORANDUM OF UNDERSTANDING OF 5 JUNE 1975.

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THE GUIDELINES FOR THE PERIOD UP TO 31 MARCH 1978 ARE AS FOLLOWS:

1. THOSE ECAC STATES WHICH ARE PREPARED TO CONCLUDE OR RENEW WITH THE UNITED STATES AUTHORITIES A BILATERAL ARRANGEMENT ON NORTH ATLANTIC CHARTERS SHOULD BASE THEMSELVES ON THE MEMORANDUM OF UNDERSTANDING CONCLUDED BETWEEN CIVIL AVIATION AUTHORITIES OF ECAC MEMBER STATES ON 5 JUNE 1975 AND SHOULD NOT ACCEPT IN SUCH ARRANGEMENTS ANY REFERENCE TO THE RECOGNITION OF THE APPLICABILITY OF RULES OF THE COUNTRY OF ORIGIN TO NORTH ATLANTIC CHARTERS.

2. ANY SUCH ARRANGEMENT SHOULD COVER ONLY THE PERIOD UP TO 31 MARCH 1978.

3. ECAC STATES WHICH ARE PREPARED TO ACCEPT US-ORIGINATING ADVANCE BOOKING CHARTERS (ABCS), ONE-STOP INCLUSIVE TOURS (OTCS) AND SPECIAL EVENT CHARTERS (SECS) SHOULD DO SO ONLY FOR THE PERIOD ENDING 31 MARCH 1978, SUBJECT TO THE TERMS OF PARAGRAPH 4 BELOW AND TO OBTAINING AGREEMENT OF THE UNITED STATES AUTHORITIES THAT:

(A) THEY WILL REGULARLY PROVIDE ECAC STATES ACCEPTING THESE CATEGORIES WITH ALL NECESSARY INFORMATION TO APPRAISE THEIR IMPACT ON THE NORTH ATLANTIC MARKET, AND

(B) THEY WILL MEET WITH ECAC BEFORE THE END OF 1977 TO REVIEW THE SITUATION IN THE LIGHT OF THIS INFORMATION AND TO DECIDE ON FUTURE ACTION.

4. AS REGARDS US-ORIGINATING ABCS, OTCS AND SECS, THE ECAC STATES CONCERNED COULD, IF THEY WISH, ACCEPT FOR THE PERIOD ENDING 31 MARCH 1978 AND SUBJECT TO APPROPRIATE AMENDMENT IN DUE COURSE OF THE MEMORANDUM OF UNDERSTANDING OF 5 JUNE 1975, THE FOLLOWING DEPARTURES FROM THE CONDITIONS SET FORTH IN THE ANNEX TO THE MEMORANDUM CONCERNING ABCS, ITCS AND SECS:

(A) A MINIMUM GROUP SIZE OF 40 SEATS CONTRACTED FOR
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INSTEAD OF 40 PASSENGERS,

(B) COMMINGLING OF NOT MORE THAN THREE CHARTER CATEGORIES ON THE SAME FLIGHT, IT BEING UNDERSTOOD THAT US-ORIGINATING ABCS AND ECAC-ORIGINATING ABCS ARE CONSIDERED FOR THIS PURPOSE AS TWO DIFFERENT CHARTER CATEGORIES AND,

(C) A PRELISTING PERIOD OF 45 DAYS FOR US-ORIGINATING ABCS, PROVIDED THAT:

(I) CONTROL OR SURVEILLANCE OF PRICES IS MAINTAINED OVER SUCH US-ORIGINATING ABCS, OTCS AND SECS IN ACCORDANCE WITH THE NATIONAL POLICY OF THE ECAC STATES CONCERNED, AND

(II) IF THE ECAC STATE CONCERNED ONLY EXERCISES PRICE SURVEILLANCE, THE APPLICATION OF THE MECHANISM SET OUT IN PARAGRAPH 5 BELOW IS REQUIRED.

5. THOSE ECAC STATES WHICH DO NOT WISH TO EXERCISE PRICE CONTROL OVER US-ORIGINATING ABCS, OTCS AND SECS SHOULD REQUIRE THE APPLICATION OF THE FOLLOWING SURVEILLANCE PROCEDURE:

(A) INFORMATION ON NORTH ATLANTIC FARE FILINGS SHALL BE REQUIRED FROM THE US CARRIERS APPLYING FOR SUCH FLIGHTS AND, WHERE NECESSARY, CHECKED WITH THE US AUTHORITIES,

(B) INFORMATION ON SUCH FILINGS SHALL BE EXCHANGED WITH ECAC,

(C) ANY SUCH ECAC STATE SHALL RESERVE THE RIGHT TO

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ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 CAB-05 CIAE-00 COME-00 DODE-00

 DOTE-00 INR-07 NSAE-00 CIEP-02 FAA-00 L-03 /037 W

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R 081127Z DEC 76

FM AMEMBASSY PARIS

TO SECSTATE WASHDC 7742
INFO AMEMBASSY BONN
AMEMBASSY BRUSSELS
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REJECT APPLICATIONS FOR CHARTER FLIGHTS WHERE IT
CONSIDERS THE PRICE TO BE UNREASONABLY LOW; AND
(D) ANY ECAC STATE CAN SUGGEST THE NEED FOR DIS-
CUSSIONS WITH THE US AUTHORITIES ON THE INFORMATION SO
EXCHANGED, ANY OTHER ASPECTS OF OPERATION OF NORTH
ATLANTIC CHARTERS AND ANY NECESSARY FOLLOW-UP ACTION.

6. THE REFERENCE PRICES FOR CONTROL OR SURVEILLANCE
OF US-ORIGINATING ABCS BY ECAC STATES SHOULD BE THE
MINIMUM SEAT-MILE WHOLESALE AND RETAIL PRICES LAID
DOWN IN THE ECAC RECOMMENDATION IN FORCE ON PRICE
CONTROL/SURVEILLANCE OF NORTH ATLANTIC CHARTERS OTHER
THAN ITCS (I.E., RECOMMENDATION ECAC 9/5 UP TO 31
MARCH 1977 AND THEREAFTER THE RECOMMENDATION APPLICABLE
SINCE 10 AUGUST 1976 FOR THE PERIOD UP TO 31 MARCH
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1978, CF. LETTER EC 9/13.16/6-248 OF 10 AUGUST 1976).

7. THE REFERENCE FOR CONTROL OR SURVEILLANCE OF
OTCS AND SECS BY ECAC STATES SHOULD, DEPENDING ON
THE SEASON OF THE FLIGHT AND DURATION OF STAY, BE
EITHER THE MINIMUM SEAT-MILE RETAIL PRICE INDICATED
IN PARAGRAPH 6 ABOVE PLUS US DOLLARS 15 PER NIGHT,
OR THE MINIMUM ITC SELLING PRICE TO THE PUBLIC (110
PERCENT OF BASIC GIT) SPECIFIED IN THE RECOMMENDATION
IN FORCE ON TARIFF CONTROL AND OTHER CONDITIONS FOR
ITCS ON THE NORTH ATLANTIC (I.E., RECOMMENDATION
ECAC/9-4 UP TO 31 MARCH 1977 AND THEREAFTER THE
RECOMMENDATION APPLICABLE SINCE 13 AUGUST 1976 FOR
THE PERIOD UP TO 31 MARCH 1978, CF. LETTER EC 9/13.26/

6-252 OF 13 AUGUST 1976).

8. AFFINITY CHARTER FLIGHTS TO AND FROM THE UNITED STATES SHOULD NOT BE AUTHORIZED IN THE PERIOD UP TO 31 MARCH 1978 UNLESS THE PASSENGER LIST IS FILED AT LEAST 30 DAYS BEFORE THE FLIGHT.

9. NO PRACTICAL APPLICATION OF LIMITATIONS BASED ON THE ORIGIN OR DESTINATION OF TRAFFIC SUCH AS THE "UPLIFT RATIO" RULE SHOULD BE ACCEPTED.

10. SUBJECT TO THE APPROPRIATE AMENDMENT IN DUE COURSE OF THE ANNEX TO THE MEMORANDUM OF UNDERSTANDING CONCERNING ADVANCE BOOKING CHARTERS, SUBSTITUTION OF TGC PASSENGERS BY MEMBERS OF THE GENERAL PUBLIC SHOULD NOT BE ACCEPTED IF IT EXCEEDS 10 PERCENT OF THE TOTAL NUMBER OF PASSENGERS IN ANY GROUP, OR 15 PERCENT PROVIDED THAT NO SUBSTITUTION IS PERMITTED WITHIN THE 14 DAYS IMMEDIATELY PRECEDING THE PROPOSED DATE OF THE FLIGHT. END QUOTE.

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